

On motion of Senator Douglass, this special order was postponed until the bill now under consideration be disposed of.

Senator Smith then raised the point of order, that the next special order, Senate Bill No. 103—"An Act to better define the duties and powers of Sheriffs," etc., set for this hour, was now pending.

On motion of Senator Douglass, this special order was postponed to take its place in the calendar in its proper order, by the following vote:

YEAS—Senators Brady, Burton, Carroll, Douglass, Edwards, Francis, Henry F. M., Hobby, Martin, McCulloch, Motley, Ripetoe, Stephens, Thompson, Wortham—15.

NAYS—Senators Ball, Blassingame, Crair, Henry J. R., Ledbetter, McLeary, McCormick, Moore, Piner, Smith, Storey, Terrell—12.

NOT VOTING—Senators Brown, Ford, Grace, Guy—4.

A message was received from the House, announcing the passage by that body, of House Bill No. 181: "An Act entitled, 'An Act to provide for the expenses and compensation of the Commission appointed by His Excellency, Governor Coke, April 10, 1875, to investigate the management of the State Penitentiary, and to make an appropriation therefor.'"

Pending the consideration of the special order, on motion of Senator Grace, the Senate adjourned until to-morrow, at 9 o'clock, A. M., by the following vote:

YEAS—Senators Blassingame, Brown, Crain, Grace, Guy, Henry J. R., Henry F. M., Martin, McCormick, Moore, Piner, Ripetoe, Stephens, Terrell, Thompson—15.

NAYS—Senators Ball, Brady, Burton, Carroll, Douglass, Edwards, Hobby, Ledbetter, McLeary, McCulloch, Storey, Wortham—12.

NOT VOTING—Senators Francis, Ford, Motley, Smith—4.

FORTY-THIRD DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, June 7, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by the Chaplain.

On motion of Senator Stephens, the reading of the journal of yesterday was dispensed with, and the same adopted.

Senator J. R. Henry, Chairman of the Committee on Claims and Accounts, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Public Claims and Accounts, to whom was referred the petition of Joseph Hallam, "asking pay for storage of certain State arms," have had the same under consideration, and recommend that the petition be not granted. J. R. HENRY, *Chairman.*

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Public Claims and Accounts, to whom was referred the memorial of Mary J. Thompson and others, "asking a donation of land," have had the same under consideration, and recommend that the memorial be not granted. J. R. HENRY, *Chairman.*

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Public Claims and Accounts, to whom was re-

ferred Senate Bill No. 55, "An Act providing for the payment of W. S. Bledsoe, special Judge of the Thirteenth Judicial District," have had the same under consideration, and recommend that it do not pass, as the Senate has already, at this session, enacted a general law in regard to paying special Judges.

J. R. HENRY, *Chairman*.

Senator Hobby, Chairman Judiciary Committee No. 1, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 221, entitled, "An Act to be entitled, 'An Act to amend the penal code of the State of Texas,'" adopted August 28, 1856, have had the same under consideration, and instruct me to report the bill back to the Senate, and recommend its passage.

HOBBY, *Chairman*.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 171, entitled, "An Act to provide for transcribing county records in certain cases," have had the same under consideration, and instruct me to report the bill back to the Senate with the following amendments and recommend its passage as amended:

In Section 1, line 2, strike out the word, "Judge," and insert, "Commissioners' Court."

In Section 1, line 3, after the word, "records," insert, "or indexes thereof."

In Section 1, line 3, strike out the word, "his," and insert the word, "any."

In Section 2, line 26, strike out the words, "law and equity," and insert, "judicial proceedings in the courts of the State."

In Section 3, line 37, strike out the word, "twenty," and insert the word, "eight."

In Section 3, line 39, strike out, "at the rate of three cents per one hundred words."

Strike out Section 4.

HOBBY, *Chairman*.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Resolution, "relative to the petition of the citizens of Fort Bend county," have had the same under consideration, and instruct me to report the resolution back to the Senate and recommend its adoption.

HOBBY, *Chairman*.

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred Senate Bill No. 135, entitled, "An Act to amend Section 454 of the code of criminal procedure," (Paschal's Digest, Article 2927,) have had the same under consideration, and instruct me to report the bill back to the Senate and recommend that it do not pass.

HOBBY, *Chairman*.

Senator Storey, Chairman of Committee on Finance, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Finance have had under consideration Senate Bill No. 204, "An Act for the relief of James Harding," and I am in-

structed by the committee to report the bill back to the Senate and recommend that it be referred to Committee on Public Claims and Accounts.

STOREY, *Chairman*.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Finance have had under consideration Senate Bill No. 203, "An Act to create an Auditorial Board to ascertain and authenticate the unsettled outstanding liabilities of the State," and I am instructed by the committee to return the bill with the recommendation that the same do not pass.

STOREY, *Chairman*.

Senator Ball, Chairman of Committee on General Land Office, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on General Land Office, to which was referred a resolution of the Senate, directing an examination of the Spanish archives of the Land Office, and to see what was their condition as to protection, etc., have, after a careful examination of said archives, found that they are kept in wooden desks, and as these archives are invaluable to the State, your committee would recommend the building of two vaults in the Spanish Translator's room of the General Land Office, as the vaults can be constructed for three hundred dollars (\$300); and they recommend that said sum be appropriated for the construction of said vaults. And to that end recommend the adoption of the following resolution, to-wit:

Resolved, That the Committee on Finance are instructed to set apart the sum of (\$300.00) three hundred dollars in the general appropriation bill, for the purpose of constructing two vaults in the Spanish Translator's office, for the preservation of the Spanish archives. All of which is respectfully submitted.

BALL, *Chairman*.

Senator Stephens, Chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills beg leave to report that they have carefully examined and compared the following bills, to-wit: Senate Bill No. 13, "An Act concerning mills and millers, and to regulate the taking of tolls;" Senate Bill No. 180, "An Act authorizing quarantine on the coast of Texas, and elsewhere within the State," and find the same correctly engrossed.

STEPHENS, *Chairman*.

Senator Storey introduced a bill entitled, "An Act regulating attachments, and to fix the venue in certain attachment cases."

Read by caption, and referred to Judiciary Committee No. 1.

Senator Grace introduced a bill entitled, "An Act supplemental to an act to amend Article 389 of an act entitled, 'An Act to establish a code of criminal procedure for the State of Texas.'"

Read by caption, and referred to Judiciary Committee No. 1.

Senator McLeary introduced a bill entitled, "An Act requiring the General Land Office to issue patents on vacancies lying between originally made surveys."

Read by caption, and referred to Committee on General Land Office.

Senator Francis introduced a bill entitled, "An Act to provide for the employment of an oculist in certain cases, for the treatment of the pupils in the Blind Asylums."

Read by caption, and referred to the Committee on State Affairs.

Senator Hobby introduced a bill entitled, "An Act to regulate proceedings in the County Courts, relating to guardians and wards."

Read by caption, and referred to Judiciary Committee No. 2.

Senator Wortham offered the following resolution:

Resolved, That the Committee on State Asylums be authorized to employ an expert book-keeper, upon such terms as the committee may agree, to examine into the books and accounts of the Superintendents of the Asylums, to send for persons and papers, and the expenses thus incurred to be paid out of the contingent fund of the Senate.

Adopted.

Senator McLeary introduced the following resolution:

Resolved, That Judiciary Committees Nos. 1 and 2 be required to make their report on Senate Bill No. 11, a bill to be entitled "An Act to provide for revising, digesting and publishing the laws, civil and criminal, of the State of Texas," which was referred to them some four weeks since.

Adopted.

House Bill No. 181, "An Act entitled, 'An Act to provide for the expenses and compensation of the commission appointed by His Excellency, Gov. Coke, April 10, 1875, to investigate the management of the State Penitentiary, and to make an appropriation therefor,'" was taken up and referred to Committee on State Affairs.

Senator McCormick in the Chair.

On motion of Senator McCulloch the rules were suspended, and Senate Bill No. 135 entitled, "An Act to amend Section 454 of the code of criminal procedure, (Paschal's Digest, Article 2927)," was taken up and re-referred to Judiciary Committee No. 1.

The President in the chair.

A message was received from the House announcing the passage by that body of Senate Bill No. 2, "An Act to organize the County Courts and define their powers and jurisdiction."

The hour for the special order having arrived, being the unfinished business pending at adjournment on yesterday, to-wit, Senate Bill No. 40, "An Act to amend an act entitled, "An Act to branch the Supreme Court of the State of Texas," approved July 27, 1874, was taken up.

Senator Ball in the chair.

Senator Piner moved to reject the amendment of Senator Edwards, to strike out "Dallas," and insert "Tyler," wherever it occurs in the bill.

The President in the chair.

A message was received from the House announcing the passage by that body of House Bill No. 191, "An Act to provide for the transfer of business, civil and criminal, pending in the District Courts, over which jurisdiction is given by the Constitution to the several Justices' Courts of the State," and Senate Bill No. 168, "An Act to make an appropriation to supply a deficiency in the appropriation for postage to be used in the office of the Secretary of State, for the fiscal year ending August 31, 1876."

Senator Douglass moved a call of the Senate, which was sustained.

The pending question being the motion of Senator Piner to reject.

the amendment of Senator Edwards, to strike out "Dallas," and insert, "Tyler," was lost by the following vote:

YEAS—Senators Ball, Blassingame, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, Moore, Piner, Smith, Storey—12.

NAYS—Senators Brady, Brown, Burton, Carroll, Crain, Douglass, Edwards, Francis, Ford, Hobby, McLeary, McCormick, McCulloch, Motley, Ripetoe, Stephens, Terrell, Thompson, Wortham—19.

Pending the calling of the roll, on the vote on the preceding question, Senators McLeary, McCormick and Terrell asked to be excused.

The Senate refused to excuse.

Senator Edwards' amendment was adopted by the following vote:

YEAS—Senators Brady, Brown, Burton, Carroll, Douglass, Edwards, Francis, Ford, Hobby, McCormick, McCulloch, Motley, Ripetoe, Terrell, Thompson, Wortham—16.

NAYS—Senators Ball, Blassingame, Crain, Grace, Guy, Henry J. R., Henry F. M., Ledbetter, Martin, McLeary, Moore, Piner, Smith, Stephens, Storey—15.

Senator McLeary offered a substitute for the bill under consideration, the caption of which substitute is as follows:

A bill entitled: "An Act to provide for times and places of holding sessions of the Supreme Court."

Read and adopted by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Carroll, Crain, Grace, Guy, Henry F. M., Ledbetter, Martin, McLeary, McCulloch, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—20.

NAYS—Senators Burton, Douglass, Edwards, Francis, Ford, Henry J. R., Hobby, McCormick, Moore, Motley, Wortham—11.

The substitute was ordered engrossed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Crain, Grace, Guy, Henry F. M., Ledbetter, Martin, McLeary, McCulloch, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—21.

NAYS—Senators Douglass, Edwards, Francis, Ford, Henry J. R., Hobby, McCormick, Moore, Motley, Wortham—10.

By leave, Senator Smith introduced a bill entitled, "An Act to amend Section 11 of the act approved February 5, 1841, entitled, 'An Act of limitations.'"

Read by caption, and referred to Judiciary Committee No. 2.

On motion of Senator Piner, the rules were suspended, and House Joint Resolution No. 23, "Validating the election for County Treasurers and County Surveyors, held on the 15th day of February, 1866," was taken up and read second time.

The rules were further suspended to place the resolution on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Crain, Edwards, Francis, Ford, Guy, Henry J. R., Henry F. M., Martin, McLeary, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Wortham—24.

NAYS—None.

NOT VOTING—Senators Douglass, Grace, Hobby, Ledbetter, McCormick, Terrell, Thompson—7.

The following amendment was adopted:

In Section 3 of the bill strike out, "Act," and insert, "Joint Resolution."

The resolution was read third time and passed by the following vote:
 YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Carroll, Crain, Douglass, Edwards, Francis, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Martin, McLeary, McCormick, McCulloch, Moore, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Wortham—28.

NAYS—None.

NOT VOTING—Senators Ledbetter, Terrell, Thompson—3.

The following communication was received from His Excellency, the Governor, and ordered to be spread on the journals of the Senate:

EXECUTIVE MANSION, STATE OF TEXAS, }
 AUSTIN, June 7, 1876. }

Hon. R. B. Hubbard, President of the Senate:

I have the honor to hand you herewith the captions of all bills and joint resolutions passed by the Legislature, and approved by me, since April 18, 1876. Very respectfully,
 RICHARD COKE.

House Bill No. 4—"An Act making an appropriation to defray the contingent expenses of the first session of the Fifteenth Legislature," approved May 1, 1876.

House Bill No. 6—"An Act making an appropriation for mileage and *per diem* pay of members, and *per diem* pay of officers and employes of the Fifteenth Legislature," approved May 1, 1876.

House Bill No. 5—"An Act fixing the *per diem* pay and mileage of the members of the Legislature," approved May 1, 1876.

House Bill No. 25—"An Act to fix the first terms of the District Courts under the present Constitution," approved May 3, 1876.

Senate Bill No. 25—"An Act organizing a Court of Appeals," approved May 6, 1876.

Senate Bill No. 14—"An Act to transfer all cases, civil and criminal, now pending in courts of Justices of the Peace, whose jurisdiction has been heretofore increased by special law, to the courts having jurisdiction thereof under the Constitution," approved May 9, 1876.

Senate Bill No. 39—"An Act to provide for the current printing of the Fifteenth Legislature," approved May 11, 1876.

Senate Bill No. 108—"An Act supplemental to an act to provide for current printing of the Fifteenth Legislature of the State of Texas, passed April 28, 1876," approved May 11, 1876.

Senate Bill No. 4—"An Act to provide for, and regulate the safe keeping of trust funds by officers of courts," approved May 19, 1876.

Senate Bill No. 36—"An Act to provide for the manner in which publication of notice of intention to apply for the passage of a local or special law, and proof of such publication shall be made," approved May 23, 1876.

Senate Bill No. 6—"An Act to amend Article 389 of an act entitled, 'An Act to establish a code of criminal procedure for the State of Texas,' approved May 25, 1876.

Senate Bill No. 33—"An Act to repeal the act regulating the removal of the disabilities of minors," approved May 25, 1876.

Senate Bill No. 9—"An Act to amend Article 771 of an act to adopt and establish a penal code for the State of Texas," approved May 25, 1876.

Senate Bill No. 15—"An Act to repeal Article 76 of an act entitled,

"An Act to adopt and establish a penal code for the State of Texas," approved May 25, 1876.

House Joint Resolution No. 210—"Joint Resolution granting leave of absence to Judge Gustave Cook," approved May 25, 1876.

House Bill No. 83—"An Act making an appropriation to pay Capt. L. H. McNelly's company of volunteer militia, for sixteen months' service on the Rio Grande, to July 1, 1876," approved May 25, 1876.

Senate Bill No. 35—"An Act to define and regulate the duties of County Clerks throughout the State," approved May 25, 1876.

House Bill No. 30—"An Act ratifying and confirming an ordinance of the city of Houston, adopted December 10, 1875, providing for the consolidation and funding of the bonded indebtedness of said city," approved May 30, 1876.

Senate Bill No. 174—"An Act prescribing the times of holding the District Courts in the Twenty-second Judicial District," approved May 30, 1876.

House Bill No. 141—"An Act to authorize the Secretary of State to employ extra clerks in his office, and to make an appropriation to pay the same," approved May 30, 1876.

House Bill No. 126—"An Act to provide for the transfer of the cases in the late Criminal Courts of the State, to the District Courts, and to legalize the proceedings of the District Courts in certain cases," approved May 30, 1876.

House Joint Resolution No. 179—"Providing for the printing and distribution of such general laws as take effect from and after their passage, passed at this session of the Fifteenth Legislature," approved June 1, 1876.

House Bill No. 53—"An Act to authorize the Commissioner of the General Land Office to appoint one draftsman, two corresponding clerks, and special clerks in certain cases," approved June 1, 1876.

Senate Bill No. 159—"An Act to make an appropriation to pay the salaries of the Judges and other expenses connected with the Court of Appeals, for the fiscal year, ending August 31, 1876," approved June 2, 1876.

Senate Bill No. 148—"An Act to define the duties of Judges of the County Courts, in certain cases therein mentioned," approved June 2, 1876.

Senate Bill No. 166—"An Act to provide for a special term of the District Court in the counties of Burnet and Menard," approved June 5, 1876.

House Bill No. 188—"An Act to provide for special terms of the District Courts in the Twentieth Judicial District," approved June 5, 1876.

The hour having arrived for the further consideration of special order, substitute for Senate Bill No. 119, "An Act to regulate proceedings in the County Court, pertaining to the estates of deceased persons," on motion of Senator Crain it was postponed until Senate Bill No. 103, "An Act to better define the powers and duties of Sheriffs and other officers," was disposed of.

Senate Bill No. 103, aforesaid, taken up.

Senator Ford moved to adjourn until 9 o'clock A. M., to-morrow.

Lost by the following vote:

YEAS—Senators Ball, Blassingame, Ford, Henry J. R., Henry F. M., Martin, McCormick, Motley, Piner, Ripetoe, Smith—11.

NAYS—Senators Brady, Burton Carroll, Crain, Edwards, Francis, Grace, Guy, Hobby, Ledbetter, McLeary, Moore, Stephens, Storey, Wortham—15.

NOT VOTING—Senators Brown, Douglass, McCulloch, Terrell, Thompson—5.

Senator Smith moved a call of the Senate.

Call sustained.

ABSENT—Senators Brown, Douglass, McCulloch, Terrell—4.

Senator Crain moved to suspend the call.

Lost.

On motion of Senator Brady, the Senate adjourned until to-morrow morning at 10 o'clock, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Burton, Carroll, Henry J. R., Henry F. M., Martin, McCormick, Motley, Piner, Ripetoe, Smith, Wortham—14.

NAYS—Senators Crain, Francis, Ford, Grace, Guy, Hobby, Ledbetter, McLeary, Moore, Stephens, Storey, Thompson—12.

NOT VOTING—Senators Brown, Douglass, Edwards, McCulloch, Terrell—5.

FORTY-FOURTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, June 8, 1876. }

Senate met pursuant to adjournment. Roll called. Quorum present. Prayer by Rev. Mr. Stanton, Chaplain of the House.

On motion of Senator Crain, the reading of the journal of yesterday was dispensed with and the same adopted.

On motion of Senator Edwards, Senator Douglass was excused for several days, in consequence of necessary absence.

Senator McLeary presented the petition of Cassimira Herrera de Muruin, widowed daughter of Pedro Herrera, a deceased soldier of the Texas Revolution, and participator in the battle of San Jacinto, stating that she is an only child and very poor and needy, with three dependent children to support; that her father died without receiving a pension, and asking that she be granted the amount that would be due her said father if he were now living.

Read and referred to Committee on State Affairs.

The President signed, after publicly reading its caption, Senate Bill No. 168, "An Act to make an appropriation to supply a deficiency in the appropriation of postage to be used in the office of the Secretary of State, for the fiscal year, ending August 31, 1876."

Senator Storey, Chairman of Committee on Finance, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Finance have had under consideration Senate Bill No. 104, "An Act to regulate fees in examining courts," and I am instructed by the committee to report the bill back to the Senate with a substitute therefor, entitled, "An Act to regulate fees of committing